

(Rel.95-703 Pub.605)

FORM 9-35

9-223

RECEIVED
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JUL 24 2008Practitioner's Docket No. DC10047PCT1**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: CAPRASSE, et al.

Application No.: 10 / 591187

Group No.: 1796

Filed: 30/AUG/2006

Examiner: Margaret G. Moore

For: Silsesquioxane Resin Wax

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

INFORMATION FOR WITHDRAWAL OF ABANDONMENT—PTO HAS NO EVIDENCE THAT MAILED CORRESPONDENCE RECEIVED

NOTE: 37 C.F.R. § 1.8(b) states:

(b) In the event that correspondence is considered timely filed by being mailed . . . in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing . . . of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed . . . correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing. . . .

(c) The Office may require additional evidence to determine if the correspondence was timely filed.

REQUEST

1. Applicant requests that the abandonment in this case be withdrawn.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☐ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark Office, 571-273-8300

Date:

7/24/2008

Signature

Kelly J. Smith

(type or print name of person certifying)

(Information for Withdrawal of Abandonment—PTO Has No Evidence That Mailed Correspondence Received
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PROMPTNESS OF THIS SUBMISSION

This information is being submitted promptly after applicant has learned of the abandonment on the basis of:

- ☒ the Notice of Abandonment mailed by the PTO on 07/17/2008.
- ☐ applicant's own procedures in monitoring the progress of this case.

SUBMISSION**2. Submitted herewith is:**

(check and complete each appropriate item below)

- ☒ A copy of the page of the response Faxed on 04/11/2008,
showing a Certificate of Facsimile executed on 04/11/2008.
- ☐ A copy of the post card identifying the papers filed and showing the
U.S. PTO receipt stamp dated _____.

NOTE: "A post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." § 504, M.P.E.P., 7th Edition.

- ☒ A copy of the complete response previously filed.
- ☐ A copy of the cancelled check(s) referring to the response identified above.
- ☐ A copy of the attorney's Deposit Account Statement, in which the item corresponding to the response referred to above is noted.

STATEMENT**3. Attached hereto is a statement attesting to the timely transmission of the correspondence referred to above based on:**

- ☒ personal knowledge
- ☐ a showing believed to be satisfactory to the Commissioner

4. Please proceed with further examination of this application on the basis of:

- ☐ The original papers filed, which have now reached the appropriate area of the PTO.

AND/OR

- ☒ The attached copy of the papers originally filed.

REQUEST FOR WITHDRAWAL OF ABANDONMENT**5. Acknowledgement of the active status of this application is respectfully requested.**

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STATEMENT ATTESTING TO THE TIMELY TRANSMISSION OF THE
CORRESPONDENCE

On April 11, 2008, I faxed to the US PTO (571)273-8300 my 7 page response to the office action dated 12/13/2007 for application number US10/591187. With the response was included a Certificate of Transmission by Facsimile cover sheet and a Petition for Extension of Time under 37 CFR 1.136(a) so a total of 9 pages. I received back a transmission verification report from my fax machine showing a total of 9 pages were sent on 4/11/2008 at 4:12 to 571-273-8300. In addition, I received the auto-reply facsimile transmission from the US PTO showing 9 total pages were received on 4/11/2008 at 4:54:53 pm.

Respectfully submitted,



Patricia M. Scaduto
Reg No 39,827

Reg. No.: 39,827

Tel. No.: 989-496-6925

Customer No.: 00137

Patricia M. Scaduto

SIGNATURE OF PRACTITIONER

Patricia M. Scaduto

(type or print name of practitioner)

Dow Corning Corporation

P.O. Box 994

P.O. Address

2200 W. Salzburg Road

Midland, MI 48686-0994

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